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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,538	07/11/2003	Sergio Nieto Gil	FICO-002/00US	3497
22903	7590	12/14/2005	EXAMINER	
COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			KING, BRADLEY T	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/617,538

Applicant(s)

NIETO GIL ET AL.

Examiner

Bradley T. King

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 12-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species A in the reply filed on 9/12/2005 is acknowledged.

Claims 12-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected embodiment, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/12/2005.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 has been amended to recite "the

actuator is configured to both couple the mechanical load of the at least one brake cable to the load sensor and to decouple the load sensor from the tension imparted to the brake cable.” The original disclosure fails to provide antecedent basis for this feature, nor is its meaning clear. It appears from the disclosure that the load sensor is never directly coupled to the mechanical load of the brake cable and there is no clear disclosure of coupling and decoupling the sensor. Note paragraphs [0011], [0043.]

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson et al (US# 6213259).

Hanson et al et al disclose all the limitations of the instant claims including; an actuator (see figure 1) connected to at least one brake cable 35; and a load sensor 30 for determining a mechanical load of the at least one brake cable wherein the actuator is configured to both couple the mechanical load of the at least one brake cable to the load sensor and to decouple the load sensor from tension imparted to the brake cable.

Note the sensor is decoupled the sensor after a predetermined force fully compresses spring 38. Also note the 112 1<sup>st</sup> rejection above. See figures 7-8.

Regarding claim 2, note motor 1 and gear train 2-3.

Regarding claim 3, note that actuator 3 changes position.

Regarding claim 4, note, spindle 2 and nut 3. A gear wheel of some kind is inherently necessary due to the 90 degree orientation of the motor to the spindle.

Regarding claim 10, see figure 1.

Claims 1-4 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Flynn et al (US# 2003/0666714).

Flynn et al disclose all the limitations of the instant claims including; an actuator 12 connected to at least one brake cable 74; and a load sensor 190 for determining a mechanical load of the at least one brake cable wherein the actuator is configured to both couple the mechanical load of the at least one brake cable to the load sensor and to decouple the load sensor from tension imparted to the brake cable. Note the shoulder 79 decouples the sensor after a predetermined force is reached. Also note the 112 1<sup>st</sup> rejection above. See figures 8-11.

Regarding claim 2, note motor 22 and gear train 24.

Regarding claim 3, note that actuator 62 changes position.

Regarding claim 4, note gear wheel 34, spindle 40 and nut 62.

Regarding claim 10, see figure 6.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al (US# 6213259).

Hanson et al disclose all the limitations of the instant claims with exception to the explicit disclosure of the use of multiple Bowden cables. The Examiner takes Official Notice that it is well known in the art to utilize multiple cables to balance loads and provide redundant structure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize multiple Bowden cables as known in the art to provide greater security in the system, thereby improving the safety of the system.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al (US# 2003/0666714).

Flynn et al disclose all the limitations of the instant claims with exception to the explicit disclosure of the use of multiple Bowden cables. The Examiner takes Official Notice that it is well known in the art to utilize multiple cables to balance loads and provide redundant structure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize multiple Bowden cables as known in the art to provide greater security in the system, thereby improving the safety of the system.

### ***Response to Arguments***

Regarding Flynn et al, the rejection is maintained as the Applicant has not provided a translation of the priority papers in accordance with 37 CFR 1.55. Note that both a translation of the priority document and a statement that the translation is accurate are required.

Applicant's remaining arguments are moot in view of the new grounds of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTK

  
JAMES MCCLELLAN  
PRIMARY EXAMINER